IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 293 OF 2002

Suleksha Apartments
Flat Owners' Association,
registered society under
Registration No.11/Goa/96
represented by its
Secretary, Shri Sanjay
Shankar Nagoji, major,
married, r/o flat no.15,
Suleksha Apartments,
Mangore Hill, Vasco da Gama. ... Petitioner.

Versus

1. State of Goa,
   through its Chief
   Secretary, having office
   at Secretariat, Panaji,
   Goa,

2. Chief Town Planner,
   Government of Goa,
   Town and Country Planning,
   Panaji, Goa,

3. Member Secretary,
   Vasco Planning and
   Development Authority,
   Vasco, Goa,

4. Chief Officer,
   Mormugao Municipal
   Council, Vasco da Gama, and

5. Smt. Suleksha J.
   Parulekar, r/o Flat
   No.2, lst Floor,
   Sulekar Apartment,
   Behind Chowgule Quarters
   Maimolem), Mangor Hill,
   Vasco da Gama. ... Respondents.

Shri D. P. Bhise, advocate for the petitioner.

Shri A.N.S. Nadkarni, Advocate General with Shri N. K. Sawaikar, Addl. Govt. Advocate for respondents no. 1 & 2.

Shri S. D. Padiyar, advocate for respondents no. 3 & 4.

Shri J. Vaz, advocate for respondent no.5.

CORAM: P. V. KAKADE &
P. V. HARDAS, JJ.

DATE: 2nd December, 2002.

ORAL JUDGMENT (Per P. V. Kakade, J.)

Rule. Rule made returnable forthwith.

Heard learned counsel for the petitioner as well as the respondents.

The petition is filed by the Flat Owners' Association to seek redress against the respondents, including respondent no.2, the Chief Town Planner, claiming to set aside the Planning and Development Authority Regulations and to quash the Order of the respondent no.3 dated 26th March, 2002, granting approval to the revised plan of respondent no.5 and for other consequential reliefs.

2. However, today it is brought to our notice that the Planning and Development Authority has issued a notice under Section 50 of the Goa Town and Country Planning Act read with Section 53 and read with Regulation 3.8 of the Planning and Development Authority Regulation, 2000. In view of this position, in our views, nothing survives in this petition as all the grievances of the petitioner can be redressed in the said proceeding,which is to be taken up by the Planning and Development Authority.

In view of this position, the petition stands

disposed of with no order as to costs.

P. V. KAKADE, J.

P. V. HARDAS, J.

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